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7 Attorneys for Plaintiff and Counterdefendant  
DANIEL PRENDERGAST

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL PRENDERGAST,  
Plaintiff,  
v.  
ATLANTIC PACIFIC CAPITAL  
CORPORATION, a Delaware Corporation,  
Defendant.

Case No. C-04-2770 MEJ  
**STIPULATION OF DISMISSAL  
PURSUANT TO FED. R. CIV. P.  
41(a)(1)**

ATLANTIC-PACIFIC CAPITAL INC., a  
Delaware Corporation,  
Counterclaimant,  
v.  
DANIEL PRENDERGAST,  
Counterdefendant.

1 Plaintiff and counterdefendant, DANIEL PRENDERGAST and Defendant and  
2 Counterclaimant ATLANTIC-PACIFIC CAPITAL INC. have reached a settlement in this matter.  
3 The parties consent to, and hereby request the immediate dismissal of this action, including all  
4 claims and counterclaims herein, with prejudice. Each party waives any right to reopen the case.  
5 The parties will bear their own costs and attorneys' fees.

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7 Dated: August 23, 2005

JAMES J. BROSNAHAN  
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By: s/ Angela L. Padilla  
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Attorneys for Plaintiff and  
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Dated: August 23, 2005

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Attorneys for Defendant and  
Counterclaimant  
ATLANTIC-PACIFIC CAPITAL INC.

1 **ORDER**  
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3 IT IS SO ORDERED: The Clerk of Court shall close the file.  
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5 Dated: August 24, 2005  
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7 The Honorable Maria Elena James  
8 United States Magistrate Judge  
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